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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/432,319	11/02/1999	RICHARD JOHN PROCTOR	P/61683	9894
7590	12/30/2003		EXAMINER	
KIRSCHSTEIN OTTINGER ISRAEL & SCHIFFMILLER P C 489 FIFTH AVENUE NEW YORK, NY 100176105			PIZARRO, RICARDO M	
			ART UNIT	PAPER NUMBER
			2661	
			DATE MAILED: 12/30/2003	

11

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/432,319	PROCTOR, RICHARD JOHN
Examiner	Art Unit	
Ricardo M. Pizarro	2661	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 23 May 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 19-35 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 19-31, 33-35 is/are rejected.

7)  Claim(s) 32 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a)  The translation of the foreign language provisional application has been received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ . 6)  Other: \_\_\_\_ .

**FINAL ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 19-24 are rejected under 35 U.S.C. 103(a) in view of Cheesman.

US patent No. 6,282,194 ( Cheesman et al) discloses a Transit sub-network system comprising one or more nodes( SPM interfaces 40 in Fig. 2) and a plurality of telephone exchanges (LEC and tandem exchanges in Fig. 2) wherein two or more of the telephone exchanges are arranged to communicate via the one or more nodes ( exchanges interface network via SPMs 40), wherein communication via the one or more nodes is in the form of packets (ATM network i.e. packets), wherein the one or more nodes comprise routers ( said interfaces SPM 40 in Fig.2 interfaces trunks with network and converts protocols i.e. routers) , wherein one or more of the routers uses IP protocol ( interface 40 serving IP Gateway on Fig.2) , as in claim 19.; wherein some of the exchanges are trunk exchanges ( tandem exchanges in fig. 2) , as in claim 20; wherein some of the exchanges are local exchanges ( local exchanges EO in Fig. 2), as in claim 21 ; wherein call handling in the system takes place outside the one or more nodes ( nodes 40 in Fig. 2 are not arranged to handle call processing between exchanges but rather to convert STM cell and transfer cells to ATM network, col 5 lines 34-36), as in claim 22;wherein each of the trunk exchanges has a direct link to each of the one or more nodes (Trunk exchanges 18, 24 and 26 are

directly connected to nodes 40 in Fig. 2 ), as in claim 23.; wherein some of the exchanges are trunk exchanges, and wherein local and trunk exchanges use ATM ( some exchanges are trunk exchanges AT and communicate using ATM –see ATM network in Fig. 2 ), as in claim 24.

Cheesman did not specifically disclose said SPM 40 interfaces as routers , as in claim 19. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention that said interfacing units are able to perform as router units in the Cheesman system with the motivation of obtaining a system that permits narrowband traffic to be directed through asynchronous traffic mode networks.

3. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheesman in view of Williams.

Cheesman did not specifically disclose said exchange including routing data, as in claim 25,26. US patent No. 6,002,757 ( Williams et al) discloses a Routing table system, wherein a telephone exchange includes routing data ( tables), as in claims 25, 26.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the routing data means as disclosed by Williams to the system disclosed by Williams with the motivation of obtaining a method of routing calls between networks with ported number while making use of existing facilities.

4. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheesman in view of Allen.

Cheesman did not specifically disclose said the system comprising means for carrying voice traffic as AAL1 or AAL2, as in claim 27.

Allen ( U. S. patent No. 6,345,048 ) discloses an ATM based distributed virtual tandem switching system, comprising means for carrying voice traffic as AAL1 or AAL2, as in claim 27.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the means for carrying voice traffic as disclosed by Allen to the communication network disclosed by Cheesman with the motivation of obtaining a trunk forecasting and provisioning system that in order to minimize overflow call volume, can adequately provide forecasting in such a way that the trunk group can handle the expected call volume.

5. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheesman in view of Gorman.

Cheesman did not specifically means for carrying Voice over IP, as in claim 28. Gorman ( U.S. patent No. 6, 370, 149) discloses a telecommunication system, comprising means for carrying voice traffic as voice over IP ( voice communications can be transmitted using a data communications network such as the Internet, col 7 lines 20-27) , as in claim 28.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the means as disclosed by Gorman which is able to convert a packetized data stream to a voice signal in a TR-303 format ( non-packetized) to the exchange communication network disclosed by Cheesman with the motivation of providing in a communication network wherein expansion of the overall capacity is required a switching system that does not increase the amount of processing required per call and without adding to the expense incurred.

6. Claim 29-30, 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheesman in view of Gorman.

US patent No. 6,282,194 ( Cheesman et al) discloses a Transit sub-network system comprising a system including one or more nodes with means of intercommunication of traffic via the one or more nodes ( exchanges interface network via SPMs 40 in Fig. 2), one of the using IP protocol for the traffic ( interface 40 serving IP Gateway on Fig.2), as in claim 29. Cheesman did not specifically disclose means for converting traffic between packetized and non packetized form, the conversion of STM to IN protocols, as in claim 30, the traffic to be packetized comprises PDSTN traffic, as in claim 33.

Gorman ( U.S. patent No. 6, 370, 149) discloses a telecommunication system, comprising: means for providing said exchanges with means for converting traffic between packetized and non-packetized form ( by providing a means IWU 74 to interface data access tandem 72 [packetized] and the class 5 switch [non-packetized] in Fig. 4, col 6 lines 18-27) as in claim 29, the traffic to be packetized comprises PDSTN traffic ( col 5 lines 50-55), as in claim 33.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the means as disclosed by Gorman which is able to convert a packetized data stream to a voice signal in a TR-303 format ( non-packetized) to the exchange communication network disclosed by Cheesman and that the interface unit 40 would have been able to perform protocol conversion, with the motivation of providing a switching system for a communication network that comprises a plurality of other devices interconnected by routes, the switching system being connected to a first of said devices by at least a first and a second of said routes.

7. Claims 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheesman and Gorman in further view of Socaciu.

8. Cheesman and Gorman did not specifically disclose detecting modem traffic, as in claim 31.

US patent No. 6,542,498 (Socaciu) discloses a signaling system including modem detection means, as in claim 31.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the detection means as disclosed in Socaciu to the system disclosed by Cheesman and Gorman with the motivation of obtaining a system that can easily and efficiently connect idle Internet end stations at any time.

9. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheesman and Gorman in further view of Allen.

Cheesman and Gorman did not specifically disclose said adapter comprising means for compression of voice traffic, as in claim 35.

Allen (U.S. patent No 6, 345, 048) discloses an IWF means comprising AAL2 means that can support voice compression ( col 6 lines 30-32), as in claim 35.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the voice compression means as disclosed by Allen to the systems disclosed by Cheesman and Gorman in order to obtain a switching system that is adapted to receive end office voice trunks and convert the trunks to ATM cells with the motivation of providing an ATM based distributed virtual tandem switching system that can replace a standard tandem switch.

*Allowable Subject Matter*

10. Claim 32 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

*Conclusion*

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314

(for formal communications; please mark "EXPEDITED PROCEDURE", for informal  
or draft communications, please label "PROPOSED" or "DRAFT" )

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to **Ricardo Pizarro** whose telephone number is **(703) 305-1121**.  
The examiner can normally be reached on Monday-Thursday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, **Douglas Olms**, can be reached on **(703) 305-4703**.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is **(703) 305-4700**.

12/18/2003

*Ricardo M. Pizarro*



KENNETH VANDERPUYE  
PRIMARY EXAMINER